

United States Senate

WASHINGTON, DC 20510-0104

December 2, 2010

Dear Colleague:

I am disappointed to learn that Democratic leadership plans to attempt passage of the DREAM Act once again – and to do so in a fashion as reckless as the legislation itself.

In the past two weeks, leadership has placed three versions of the DREAM Act on the legislative calendar, bringing the total number to four. Not one of these bills has been reviewed by the Judiciary Committee, nor have Senators been provided with a CBO score. This shell game makes it nearly impossible for members of this body, and their constituents, to properly review and consider the legislation prior to a vote. It is an abuse of the process and on that basis alone members ought to oppose cloture.

At bottom, the DREAM Act is poorly drafted, filled with loopholes and, by rewarding illegal behavior, will without doubt encourage future illegal immigration. This irresponsible proposal would almost immediately legalize an estimated 1.3 - 2.1 million illegal aliens – a number expected to grow as the bill has no cap or sunset. At the same time, the bill would provide safe harbor, and even amnesty, for aliens who have committed serious crimes.

All four versions of the DREAM Act pending on the legislative calendar are highly similar and deeply flawed. All grant nearly unrestricted amnesty. This is an affront to the rule of law we have been elected to uphold. Trying to rush this bill through the lame duck session, against the wishes of the public, and in this highly suspect fashion, is the perfect example of why the American people have lost faith in this institution. Among other major problems the DREAM Act would do the following:

1. It would grant legal permanent resident status and a guaranteed pathway to citizenship for persons under the age of 30 or 35 (depending on which version the Senate considers). These permanent residents, once naturalized, could immediately petition for LPR status for siblings and parents, including those who brought them in illegally.
2. Those who could be granted legal status include gang members, aliens with misdemeanor convictions (including DUIs), alien absconders, aliens who have engaged in document fraud, aliens who have falsely claimed U.S. citizenship, and aliens who have abused their student visas. Furthermore, the bill grants the Secretary of Homeland Security the broad ability to waive ineligibility for criminals and terrorists.
3. The bill will create a safe harbor whereby illegal aliens facing deportation – including those with criminal histories – can file a petition for DREAM Act status and immediately stay proceedings. It is difficult to overestimate the damage to effective immigration enforcement that will result from such a provision.

4. The DREAM Act does not require acquiring a bachelor's or higher degree from a U.S. college or completion of military service in the U.S. Armed Forces as a condition of amnesty. Under the proposal, an illegal alien could receive amnesty if they simply promise to complete the first two years of an undergraduate degree.

In the midst of a deep recession, high unemployment, and catastrophic government debt, the DREAM Act would force jobless Americans to compete with millions of newly authorized workers, provide legal shelter for criminal aliens, and strain limited resources through generous grants of federal education benefits.

This bill would create an incentive for future illegality since Congress would be sending a message that we have effectively given up on enforcement of our immigration laws and instead seek to reward those who illegally enter the country. At a time when our immigration system is in disarray, this legislation will allow millions to flood the courts and undermine the small progress we have made toward lawfulness. We have failed to secure the border, and passage of this legislation would signal to the world that we are not serious about doing so.

Now is not the time to proceed to this controversial measure. I ask for your assistance in opposing Majority Leader Reid's efforts. If you have any questions, please have your staff contact Bradley Hayes at 224-5225.

Very truly yours,



Jeff Sessions